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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

UNITED STATES OF AMERICA,)	No. CR 05-00395 CRB
)	
Plaintiff,)	<u>REQUEST, STIPULATION AND ORDER</u>
)	
v.)	
)	
JIN AH KANG,)	
)	
Defendant.)	

This matter is currently on the Court's calendar for June 7, 2006. Through counsel, defendant Jin Ah Kang and the United States ask the Court to (a) vacate the June 7, 2006 date based on the parties' on-going plea negotiations, (b) set a date of July 19, 2006 for status/change-of-plea, and (c) exclude time under the Speedy Trial Act, 18 U.S.C. § 3161 from June 7, 2006, to July 19, 2006.

1. The parties are currently engaged in plea negotiations and request that the Court set the matter for July 19, 2006, for status/change-of-plea.

2. Recently, the government reviewed additional discovery with defense counsel and is in the process of providing those materials to the defense. Defense counsel needs time to review those

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materials and confer with the defendant. Further, defense counsel is out-of-district and thus unavailable from June 12, 2006 to July 10, 2006.

3. The parties agree that the time between June 7, 2006 and July 19, 2006 should be excluded from the Speedy Trial clock. Previously, the Court has declared this case complex. See 18 U.S.C. § 3161(h)(8)(B)(ii). Further, defense counsel needs time to review additional materials from the government and investigate the immigration consequences of a plea agreement. Also, defense counsel will be unavailable from June 12, 2006 to July 10, 2006. These matters require the requested time to address, and so the parties agree that a continuance is necessary for the effective preparation of defense counsel, taking into account the exercise of due diligence. See 18 U.S.C. § 3161(h)(8)(B)(iv). The parties also agree that the ends of justice served by excluding the period from June 7, 2006 to July 19, 2006 outweigh the interest of the public and the defendant in a Speedy Trial. See id. § 3161(h)(8)(A).

STIPULATED:

June 2, 2006	/S/ PETER B. AXELROD
DATE	PETER B. AXELROD
	LAUREL BEELER
	Assistant United States Attorneys

June 2, 2006	/S/ MICHAEL BERGER
DATE	MICHAEL BERGER
	Attorney for Jin Ah Kang

ORDER

For good cause shown, and for the reasons stated above, the Court (a) vacates the June 7, 2006, hearing date for defendant Jin Ah Kang based on the on-going plea negotiations, (b) sets the matter for status/change-of-plea on July 19, 2006, at ^{10:00 a.m.}~~2:15 p.m.~~, and (c) excludes times under the Speedy Trial Act, 18 U.S.C. § 3161, from June 7, 2006, to July 19, 2006. The Court finds that the failure to grant the requested exclusion would deny defense counsel reasonable time necessary for effective preparation taking into account the exercise of due diligence and

1 continuity of counsel. Further, the Court finds the exclusion warranted on complexity grounds,
2 under 18 U.S.C. § 3161(h)(8)(B)(ii). Thus, the Court finds that the ends of justice served by
3 granting the requested exclusion outweigh the best interest of the public and the defendant in a
4 speedy trial and in the prompt disposition of criminal cases. The Court therefore concludes that
5 this exclusion of time should be made under 18 U.S.C. §§ 3161(h)(8)(A), (h)(8)(B)(ii) and
6 (h)(8)(B)(iv).

7 IT IS SO ORDERED.

8
9 DATED: June 2, 2006

